
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

SHERILYNN MERRIAM,

Plaintiff,

v.

PEAK RESTAURANT PARTNERS,
ROBERT TOMLINSON, CLAUDIA
OROZCO, and KATHLEEN ZARIT,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:15-cv-00032-DB-EJF

District Judge Dee Benson

Magistrate Judge Evelyn J. Furse

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Evelyn J. Furse on January 19, 2016, recommending: (1) the District Court dismiss with prejudice Plaintiff's First and Second Claims against the individual Defendants, on which both parties agree and (2) the District Court dismiss without prejudice Plaintiff's Third, Fourth, and Fifth Claims against all Defendants and grant Plaintiff leave to amend her complaint. (Dkt. No. 14.) The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. *See* Fed. R. Civ. P. 72(b)(2). Neither party has filed such an objection.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation. Accordingly, the Court hereby ORDERS as follows:

1. Plaintiff's First and Second Claims for Relief as to Robert Tomlinson, Claudia Orozco, and Kathleen Zarit are DISMISSED with prejudice.

2. Plaintiff's Third, Fourth, and Fifth Claims as to all Defendants are DISMISSED without prejudice. Plaintiff shall have fourteen (14) days in which to file her Amended Complaint. Failure to do so will result in dismissal of this case.

IT IS SO ORDERED.

DATED this 5th day of February 2016.

A handwritten signature in black ink, reading "Dee Benson". The signature is written in a cursive, flowing style. The first name "Dee" is written with a large, stylized 'D' that loops around the 'e'. The last name "Benson" is written in a more standard cursive script.

Dee Benson
United States District Judge